

JAN 20 2000

FILED

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE,

VS.

RESPONDENTS.

CAUSE NO. A-1389

JAN 19, 2000 ACCT# 8521 \$100.00
NO-INVOICE 195-60-8302 TRAN# 672790
MACKEY, KIMBERLY A

JURISDICTION

2. Respondent, Kimberly A. Mackey, is licensed as an insurance agent under the laws of Nebraska at all times material hereto and is designated agent for General American Corporation.

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Kimberly A. Mackey and General American Corporation on November 22, 1999. A copy of the petition was served upon the Respondent at the Respondent's address registered with the Department by certified mail, return receipt requested.

2. The petition alleges that Respondent violated Neb.Rev.Stat. §44-4028(16) as follows:

- a. On or about October 27, 1999, an insurance investigator of the Consumer Affairs Division wrote to Respondent requesting the Nebraska Department of Insurance be provided with an explanation regarding a complaint that had been filed against Respondent with the Department;
- b. Respondent failed to respond to the Department within fifteen working days after receiving the aforementioned inquiry.

3. The Respondent was informed of her right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving her right to a public hearing, Respondent also waives her right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent neither admits nor denies the allegations contained in the Petition and restated in Paragraph #2 above.

CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of Neb.Rev.Stat. §44-4028(16). Respondent did submit a response to the Department's inquiry on or about December 3, 1999.

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, Kimberly A. Mackey and General American Corporation, that Respondent shall pay an administrative fine of \$100.00. It is further ordered that if full payment is not received on or before 30 days from the date the Director signs this Order, grounds shall exist for a hearing to be called wherein Respondent shall show cause why her Nebraska insurance agent's license should not be revoked. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department to make application for such further orders as may be necessary.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his or her signature below.

Christine M. Magnifico

Attorney for Nebraska
Department of Insurance
941 "O" Street, Suite 400
Lincoln, Nebraska 68508
(402) 471-2201

1-20-00
Date

Kimberly A. Mackey
Respondent

1-11-00
Date

William V. Harney
Attorney for Respondent

1-11-00
Date

State of Pennsylvania)
County of Allegheny) ss.

On this 11 day of JANUARY, 2000, Kimberly A. Mackey personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be her voluntary act and deed.

Notarial Seal
Thomas H. Morgan, Notary Public
Pittsburgh, Allegheny County, Notary Public
My Commission Expires Oct. 13, 2003

Thomas H. Morgan

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Kimberly A. Mackey and General American Corporation, Cause No. A-1389.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

L. Tim Wagner

L. TIM WAGNER
Director of Insurance

1/20/00
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent at Respondent's counsel's office, William T. Harvey, Tucker Arensberg, P.C., 1500 One PPG Place, Pittsburgh, PA 15222 by certified mail, return receipt requested on this 20th day of January, 2000.

Stacey M. Bullymilk